

CONFERENCE COMMITTEE REPORT
Senate Bill No. 780 By Senator Cheek

June 20, 2010

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 780 by Senator Cheek, recommend the following concerning the Reengrossed bill:

1. That the House Committee Amendment No. 1, 2, 3, 4, and 5 proposed by the House Committee on Administration of Criminal Justice and adopted by the House of Representatives on June 10, 2010 be accepted.
2. That Legislative Bureau Amendment No. 1 proposed by the Legislative Bureau and adopted by the House of Representatives on June 10, 2010 be accepted.
3. That the House Floor Amendment No. 1, 2, and 3 proposed by Representative Burford and adopted by the House of Representatives on June 17, 2010 be accepted.

Respectfully submitted,

Senators:

Representatives:

Senator Sherri Smith Cheek

Representative Jonathan W. Perry

Senator Yvonne Dorsey

Representative Ernest D. Wooton

Senator Robert Adley

Representative Richard T. Burford

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 780 by Senator Cheek

Keyword and summary of the bill as proposed by the Conference Committee

CRIME PUNISHMENT. Provides relative to the Habitual Offender Law and to penalties for certain second felony sex offenses and for registration and certain employment prohibitions for sex offenders. (gov sig)

Report adopts House amendments to:

1. Remove a person adjudicated a delinquent for the commission of certain felony-grade crimes from the habitual offender law.
2. Add enhanced habitual offender penalties for persons who commit multiple sex offenses.
3. Add provisions requiring life sentences for habitual sex offenders when the victims were under the age of thirteen years.
4. Provide that the Act will be known as the "Justin M. Bloxom Act".
5. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law (Habitual Offender Law) provides certain penalties for second and subsequent felony convictions of any person who, after having been convicted within this state of a felony or adjudicated a delinquent under Title VIII of the Louisiana Children's Code for the commission of a felony-grade violation of either the Louisiana Controlled Dangerous Substances Law involving the manufacture, distribution, or possession with intent to distribute a controlled dangerous substance or a crime of violence as listed in present law, or who, after having been convicted under the laws of any other state or of the United States, or any foreign government of a crime which, if committed in this state would be a felony.

Proposed law removes any person who has been adjudicated a delinquent under Title VIII of the Louisiana Children's Code for the commission of a felony-grade violation of either the Louisiana Controlled Dangerous Substances Law involving the manufacture, distribution, or possession with intent to distribute a controlled dangerous substance or a crime of violence as listed in present law from the provisions of the Habitual Offender Law.

Proposed law provides that if the second felony and the prior felony are sex offenses as defined in R.S. 15:541 or the prior felony would be a sex offense under R.S. 15:541 but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, the person shall be sentenced to imprisonment for a determinate term not less than 2/3 of the longest possible sentence for the conviction and not more than three times the longest possible sentence prescribed for a first conviction, without benefit of probation, parole, or suspension of sentence.

Proposed law provides that if the second felony and the prior felony are sex offenses as defined in R.S. 15:541, or the prior felony would be a sex offense under R.S. 15:541 but the offense occurred prior to June 18, 1992, or the conviction was obtained under the laws of any other state, the United States, or any foreign government, and the victims of the previous offense and the instant offense were under the age of 13 at the time of the commission of the offense or any part thereof, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Present law requires the court to provide written notification to any person convicted of a sex offense and a criminal offense against a victim who is a minor of the registration requirements and the notification requirements as provided in present law.

Proposed law retains present law and requires the court to notify the person convicted of a sex offense and criminal offense against a victim who is a minor that certain types of employment are prohibited for the duration of registration period.

Present law provides for the duration of registration and notification period for sex offenders.

Present law provides that a person required to register pursuant to law who was convicted of a sexual offense against a victim who is a minor shall register and maintain his registration and provide community notification for a period of 25 years, or the duration of the lifetime of the offender as provided by law, unless the conviction is reversed, set aside, or vacated.

Proposed law prohibits certain sex offenders from maintaining certain types of employment.

Proposed law provides that it shall be unlawful for any person who is required to maintain registration pursuant to law to operate any bus, taxicab, or limousine for hire. Further prohibits any person who is required to maintain registration to engage in employment as a service worker who enters a residence to provide any type of service.

Proposed law provides that it shall be unlawful for any person whose offense involved a minor child and who is required to maintain registration pursuant to law to operate any carnival or amusement ride.

Proposed law provides for definitions.

Proposed law provides for penalties if a sex offender who is required to register pursuant to law engages in certain types of employment. Further provides that the provisions of proposed law shall apply only to persons ordered by the court to register as a sex offender on or after August 15, 2010.

Provides that this Act will be known as the "Justin M. Bloxom Act".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:529.1(A) and 543.1; adds R.S. 15:553)